

Notice of Allowability

Application No.

10/084,172

Examiner

HERBERT J. LILLING

Applicant(s)

IMAMURA ET AL.

Art Unit

1651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6-7-05 & Examiner's Amd.
2. ☒ The allowed claim(s) is/are 14-46.
3. ☒ The drawings filed on 28 February 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 05-07-2002 3PGS
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

AMENDMENT TO CLAIMS

Claims 1-13 and 47-56 have been cancelled drawn to the non-elected claims.

Applicant has elected with traverse Group V, claims 14-56.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1, 3-11, 47 and 49-51 drawn to polyalkanoates and agent, classified in classes 525, 526 or 528, subclasses depending upon the product per se which includes 528/361, 363, 364.
- II. Claims 2 and 48, drawn to polyalkanoates containing units that are different and whether they are within the chain or on the side chains, classified in class 525, subclass one plus
- III. Claim 12, drawn to polyalkanoates containing an additional grouping as noted by Formula 12, classified in class 525, subclass one plus
- IV. Claim 13, drawn to a sulfur containing acid, classified in class 562, subclass one plus.
- V. **Claims 14-46, drawn to a process for preparing polyalkanoates by culturing a microorganism, classified in class 435, subclasses 128 or 130.**
- VI. Claim 52, drawn to a toner, classified 430, subclass one plus.
- VII. Claims 53-54, drawn to an image forming method, classified in class 430, subclass one plus.
- VIII. Claims 55-56, drawn to an image forming apparatus, classified in class 430, one plus.

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Each of the above groups is considered to be drawn to separate and patentably distinct inventions since each group does not require the specifics of the other groups.

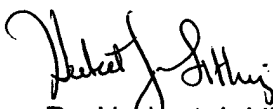
Invention I is drawn to a homopolymer whereas Invention II claims are drawn to copolymers or to the after treatment of the polymer to give patentably distinct products.

Applicant has approved on April 07, 2005 the above cancellation with the right to file divisionals to the non-elected inventions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Examiner Lilling whose telephone number is 571-272-0918 and Fax Number is (703) 872-9306** or SPE Michael Wityshyn whose telephone number is 571-272-0926. Examiner can be reached Monday-Thursday from about 5:30 A.M. to about 3:00 P.M. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Information regarding the status of an application may be obtained from the Patent Application information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit **1651**
April 07, 2005


Dr. Herbert J. Lilling
Primary Examiner
Group 1600 Art Unit 1651

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REASONS FOR ALLOWANCE

The following is an Examiner's Statement of Reasons for Allowance:

Any comments considered necessary by applicant must be submitted no later than the Payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

The references do not anticipate the claimed processes. In addition, the references alone or further in view of each other do not suggest or motivate one to employ the claimed processes. Furthermore, there is no double patenting of the obvious type over the process claims of Imamura et al, U.S. 6,808,854. Thus, the claimed processes are allowed over the art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Examiner Lilling whose telephone number is 571-272-0918** and **Fax Number** is (703) 872-9306 or SPE Michael Wityshyn whose telephone number is 571-272-0926. Examiner can be reached Monday-Thursday from about 5:30 A.M. to about 3:00 P.M. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

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